

Serial No. 09/914,807

Attorney Docket No. 10543-028

REMARKS

In response to the Final Office Action mailed July 13, 2004, kindly enter the foregoing amendment and consider the following remarks.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claim 28 has been amended and claims 43 and 44 have been added. Thus claims 19-30, 32-40 and 42-44 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

EXAMINER INTERVIEW

The Applicants would like to thank Examiner Black for conducting a telephonic interview on August 3, 2004. In the interview, the Applicants discussed independent claims 1 and 28 with regard to the Henry and Howes references. The Examiner agreed that these claims currently define over the Henry and Howes references. Based on the interview, an amendment to independent claim 28 is provided for clarity, but is not made for any reason to patentability.

Further, the Examiner agreed that the finality of the Office Action was premature. In that regard, the Applicants request withdrawal of the finality of the action due to the sheer inadequacy of the cited references to disclose any claimed feature of the invention. Accordingly, the Applicants look forward to receiving a further non-final action from the U.S. Patent Office.

CLAIM REJECTIONS UNDER 35 USC §102

Claim 19 stands rejected under 35 U.S.C. §102(b) as being anticipated by Henry (U.S. Pat. No. 3,707,298). The Examiner cites column 1, lines 7-32 of the Henry reference and states that Henry discloses a "diagonal axle walk relative to the vehicle frame which occurs when the wheels at the opposite ends of the axle encounter unlike irregularities". To the contrary, claim 19 specifically recites detecting a diagonal axle twist condition of which two diagonally opposite wheels (i.e. on different axles) lose sufficient traction with the ground. Henry discusses wheels

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which are not diagonally opposed, but which are transverse to each other at opposite ends of a single axle. As noted in several prior responses, paragraphs 32-39 of the specification provide detailed information regarding a diagonal axle twist condition.

For all these reasons and all the reasons given in prior actions, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 19, as well as its dependent claims.

Claims 28-36, 40 and 42 stand rejected under 35 U.S.C. §102(b) as being anticipated by Howes (U.S. Pat. No. 5,373,447). As was noted during the interview, Howes does teach computing the difference between the speeds of diagonally opposite wheels. Based on these two computed differences in speed, the entry threshold for traction control may be raised to prevent false triggering.

With regard to claims 28, a characteristic of each of the individual, driven wheels are compared to the other driven wheels, and then a diagonal axle twist condition is identified when two diagonally opposite wheels have lost sufficient traction with the ground based on the comparison step.

The Howes reference may compare the speeds of two diagonally opposite wheels, but the Howes reference does not identify when those diagonally opposite wheels have lost sufficient traction with the ground. Nor is such a step suggested by the Howes reference. In fact, Howes is exclusively directed to a disadvantage which occurs when cornering on a surface of high coefficient of friction (see column 1, lines 28-42), and specifically the phenomenon of weight transfer resulting in a difference in slip values between the inner and outer wheels. Thus, the Howes reference does not even contemplate a situation where diagonally opposite wheels would lose sufficient traction with the ground. Unlike the Howes reference, claim 28 recites a method for detecting the specific condition of a diagonal axle twist, which condition is not even mentioned, nor contemplated by the Howes reference.

For these reasons and all the reasons given above, and all the reasons given in prior responses, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 28, as well as its dependent claims.

With regard to independent claim 40, the claim recites a first circuit evaluating the slip wheels on a secondary axle, a fourth circuit evaluating the slip of wheels on a primary axle, and second and third circuits evaluating the slip of two diagonally

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opposite wheels for detecting a diagonal axle twist on two diagonally opposite wheels.

As noted above, the Howes references does not disclose a circuit which detects a diagonal axle twist. While the speeds of two diagonally opposite wheels are compared, this is not the same as evaluating the slip of two diagonally opposite wheels for identifying a diagonal axle twist.

For these reasons and all the reasons given above, the Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 40, and its dependent claim.

CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Applicants have calculated no fees to be presently due in connection with the filing of this Paper. However, Applicants have authorized charging of any fee deficiency to the deposit account 23-1925, as indicated in the Transmittal accompanying this Statement.

8/5/04
Date

Respectfully submitted,


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